

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-00123-MR-WCM

ALBERT ROBINSON

Plaintiff,

v.

DAVID KEITH OAKS, ESQ.,
THE LAW FIRM OF DAVID K. OAKS, P.A.,
SECTION 23 PROPERTY OWNER'S
ASSOCIATION, INC.,
FIVE OAKS INVESTMENTS, INC.,
THE DAVID K. OAKS PERSONAL TRUST,
D. V. RAO, JOHN EDWARD SPAINHOUR,
MCANGUS, GOUDELOCK & COURIE, PLLC,
SECTION 23, PROPERTY OWNER'S
ASSOCIATION, INC.

Defendants.

ORDER

This matter is before the Court on:

1. Plaintiff's "Request to Amend the Rules Thus Allowing Pro Se Litigant Albert Robinson to E-File Pleadings" (the "Motion to E-File," Doc. 99).
2. "Plaintiff's Motion for the Court to Restrict Pro Se Litigants John Edward Spainhour and David K. Oaks from Using the Court E-Filing System and to Have Both Defendants Properly Refile their Pleadings and Motions Conventionally" (the "Duplicate Motion to Restrict," Doc.

101).

3. Plaintiff's duplicate "Request to Amend the Rules Thus Allowing Pro Se Litigant Albert Robinson to E-File Pleadings" (the "Duplicate Motion to E-File," Doc. 103).

On September 9, 2021, following a hearing, the undersigned denied "Plaintiff's Motion for Leave to Begin Using the NextGen E-File System on 08/30/2021 or in the Alternative Restrict Pro Se Litigant John Edward Spainhour from Using the Court E-Filing System and to Have Him Refile the E-Filed Papers Conventionally" (the "Motion to E-File or Restrict," Doc. 65). See Doc. 78.

On October 19, 2021, the undersigned denied "Plaintiff's Motion for the Court to Restrict Pro Se Litigants John Edward Spainhour and David K. Oaks from Using the Court E-Filing System and to Have Both Defendants Properly Refile their Pleadings and Motions Conventionally" (the "First Motion to Restrict," Doc. 96); see Doc. 98 (Order). Accordingly, the Duplicate Motion to Restrict (Doc. 101) will be denied as moot.

To the extent that the instant Motion to E-File (Doc. 99) seeks some of the same relief as Plaintiff's previous Motion to E-File or Restrict, namely an order allowing Plaintiff to file documents electronically, the undersigned considers the Motion to E-File as being a motion for reconsideration of the undersigned's September 9, 2021 ruling. As explained in the Court's previous

Order (Doc. 98), motions for reconsideration are allowed only in limited circumstances and the Motion to E-File provides no basis on which the undersigned should reconsider the September 9, 2021 ruling. Further, Plaintiff's contention that not being able to use the e-filing system "is a major handicap" for him is not persuasive; Plaintiff has made a large number of filings and there is no indication that he has been prejudiced by filing conventionally.

IT IS THEREFORE ORDERED that:

1. Plaintiff's "Request to Amend the Rules Thus Allowing Pro Se Litigant Albert Robinson to E-File Pleadings" (Doc. 99) is **DENIED**.
2. "Plaintiff's Motion for the Court to Restrict Pro Se Litigants John Edward Spainhour and David K. Oaks from Using the Court E-Filing System and to Have Both Defendants Properly Refile their Pleadings and Motions Conventionally" (Doc. 101) is **DENIED AS MOOT**.
3. Plaintiff's duplicate "Request to Amend the Rules Thus Allowing Pro Se Litigant Albert Robinson to E-File Pleadings" (Doc. 103) is **DENIED AS MOOT**.

Signed: October 20, 2021



W. Carleton Metcalf
United States Magistrate Judge

